

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14450, of Ladianina International Business and Financial Corporation, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variance from the use provisions (Sub-section 3104.3) to use the subject premises for real estate consultancy and seminars, Potential Millionaires' Educational Center, in the R-4 District at premises 730 and 730A -15th Street, S.E., (Square 1077, Lot 114).

Hearing Dates: July 9, July 30, and November 12, 1986  
Decision Date: December 3, 1986

Findings of Fact:

1. The application was originally scheduled for the public hearing of July 9, 1986. During the course of the proceedings, a question arose as to whether the appropriate relief in this case should be as a special exception to change a nonconforming use or as a variance from the use provisions. The Board deferred the public hearing on the application until its public hearing of July 30, 1986 in order to receive written guidance from the Office of the Zoning Administrator as to the specific relief required by the applicant.

2. At the public hearing of July 30, 1986, the applicant requested a continuance of the public hearing to permit him an opportunity to retain legal representation in this case. The Board continued the case until its public hearing of November 12, 1986.

3. The property is located on the east side of 15th Street between Pennsylvania and Potomac Avenues and is known as premises 730 and 730A 15th Street, S.E. It is zoned R-4.

4. The property is a relatively flat, trapezoidal shaped lot with a land area of approximately 2,308 square feet.

5. The property is currently improved with a two-story, brick row structure. The first floor of the structure has a history of non-conforming use dating back to approximately 1951. The most recent use of the first floor was for a real estate office pursuant to Certificate of

Occupancy No. B-93573, dated June 17, 1975. The second floor of the structure is used for residential purposes.

6. The applicant proposes to use the entire first floor and part of the second floor as an office for real estate consultancy and seminars.

7. The area surrounding the site is characterized by R-4 zoning developed with residential row dwellings immediately northeast and west of the site, a nonconforming laundromat immediately south of the site, and a fast food restaurant located in a C-2-A District across 15th Street to the west. There is a strip C-2-A zoning fronting on Pennsylvania Avenue to the south of the site.

8. By memorandum dated July 28, 1986, the Zoning Administrator determined that the applicant is required to seek a variance from the use provisions. The Zoning Administrator noted that the proposed facility does not constitute a "neighborhood facility" as required by Sub-paragraph 7106.114. The Zoning Administrator further noted that Paragraph 7106.12 of the Zoning Regulations prohibits the extension of a nonconforming use to portions of a structure not devoted to such use at the time of the enactment of the Zoning Regulations.

9. The facility proposed by the applicant is intended to provide real estate seminars and consultations for residents of the Metropolitan area who are faced with financial difficulties leading to possible foreclosure on their property. The applicant testified that many of the people seeking his services would be residents of the District of Columbia, however, Virginia and Maryland residents would not be precluded from seeking his services at this location.

10. The applicant testified that the property was affected by extraordinary and exceptional conditions due to its construction in 1917 which predates the adoption of the 1958 Zoning Regulations, the large size of the first floor of the premises relative to nearby structures, the previous use of the first floor as a real estate office, and the close proximity of existing nonconforming and matter of right commercial uses to the subject site.

11. There was opposition to the granting of the application present at the public hearing and in the record.

12. Advisory Neighborhood Commission 6B made no formal written recommendation on the application.

13. The Office of Planning, by memorandum dated July 23, 1986, recommended that the application be denied. The Office of Planning was of the opinion that the property is not

affected by any extraordinary or exceptional situation or condition which would preclude use of the first floor for a neighborhood facility or a matter of right use. The Office of Planning was further of the opinion that the current permitted residential use of the second floor negates any basis for use variance relief on the second floor of the premises. The Board concurs with the recommendation of the Office of Planning.

Conclusions Of Law and Opinion:

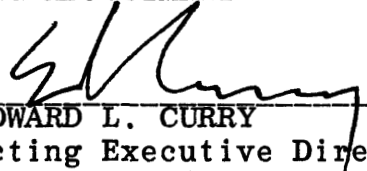
Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a use variance, the granting of which requires proof of a hardship that is inherent in the property itself. The Board concludes that no such hardship exists as evidenced by the previous use of the property. Further, the Board concludes that the applicants' request is based on personal convenience and that he has not met the burden of proof. No probative evidence was offered that the property could not be put to a use permitted in the R-4 District nor that the previous use of the property could not continue.

The Board further concludes that the relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly it is ORDERED that the application be DENIED.

VOTE: 4-0 (Charles L. Norris, William F. McIntosh, Paula Jewell and Carrie L. Thornhill to deny).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: JUL 10 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."